

ARTICLE 15

HARBOR BYLAW

SECTION 1 - Authority and Enforcement

The Harbormaster has the authority to enforce this Article 15 and regulations adopted pursuant hereto; G.L. Chapter 60B: Excise on Boats, Ships and Vessels in Lieu of Local Property Tax; G.L. Chapter 90B: State Boating Laws; G.L. Chapter 91: Waterways; G.L. Chapter 102: Shipping and Seamen, Harbors and Harbor Masters; G.L. Chapter 130: State Marine Fisheries Regulations; G.L. Chapter 131: State Inland Fish Regulations; CMR 310: Department of Environmental Protection; CMR 320: Public Access Facilities; CMR 321: Division of Fisheries and Wildlife; CMR 322: Division of Marine Fisheries; CMR 323: Division of Law Enforcement; CMR 527: Board of Fire Prevention Regulations; and other applicable laws and regulations, to the full extent permitted by law.

SECTION 2 - Definition of Terms

As used in this Article 15, and in any regulations adopted pursuant to this Article 15, the following words shall have the following meaning:

“Anchorage” - The holding of a Vessel in place by lowering a heavy weight into the water by cable, chain, line or other method.

“Channel” - a navigable route for the passage of Vessels, established by customary use or under the authority of federal, state or municipal law.

“Docking” - The making fast of a boat, raft, or float by means of cables, anchors, lines, chains, or other device or contrivances, to the ocean bottom, the shore, or a dock, slip, pier, or marina; meaning and intending that this phrase applies to boats, rafts or floats which are secured to the ocean bottom, as well as to boats, rafts, or floats secured to a dock or slip in a marina.

“Harbormaster” - The harbormaster, deputy harbormaster and assistant harbormasters duly appointed by the Town of Hingham Board of Selectmen.

“Hingham Harbor” - The waters of the sea lying within the limits of the Town of Hingham.

“Hingham Waterways” - The navigable bodies of water within the limits of the Town of Hingham including, without limitation, the ponds, rivers, streams, seas, and oceans.

“Mooring” - A temporary, semi-permanent, or permanent anchorage installation, comprising an anchor, chain, and mooring buoy, or their equivalents.

“Person” - An individual; a receiver; a trustee; a partnership; joint venture; a firm; an unincorporated association; a syndicate; a trust; a corporation; or any other entity having legal personality.

“Skin Diving” - Swimming underwater with the aid of fins, mask, snorkel tube, or self contained apparatus for the assistance of breathing.

“Vessel” - The word “vessel” shall mean, inclusively, to the extent permitted by law, watercraft of every description, including but not limited to ships of all kinds, barges, sailing vessels, craft and powerboats of any type or kind by whatever means propelled, every object designed, adapted or capable of being navigated, towed or operated on water from place to place for the transportation of merchandise, people, or for any other purpose (except a seaplane), or other artificial contrivance, used or capable of being used as a means of transportation on water, and as otherwise construed under Massachusetts and/or federal law.

SECTION 3 – Waterways Regulations

The Harbormaster shall adopt regulations governing the Hingham Waterways; Vessels on or in the Hingham Waterways, including but not limited to the anchorage, mooring, and/or operation of such vessels; and/or activities that take place on or in the Hingham Waterways; and to the extent said vessels and activities affect and/or are related to or directed to the Hingham Waterways, around the Hingham Waterways; to the full extent permitted by law, including, without limitation, anchorage, moorings, floats, mooring waiting lists, docking, and shellfishing. These regulations shall be submitted to the Board of Selectmen for approval and then if approved, to the Environmental Police for review and approval to the extent necessary. After review by the Environmental Police, the Board of Selectmen shall have the opportunity to consider any comments provided by the Environmental Police, and resubmit to the Environmental Police for approval to the extent necessary. Upon approval by the Board of Selectmen, and by the Environmental Police to the extent necessary, a notice shall be published in a newspaper in circulation in the Town of Hingham and copies thereof shall be made available through the Harbormaster's Office upon request. Said regulations may be amended from time to time in the manner herein before set forth.

SECTION 4 - Wake Restrictions

No vessel shall exceed the speed of six (6) nautical miles per hour or be operated at speed which shall cause a visible wake within the confines of Hingham Harbor, except while engaged in water skiing or the use of personal watercraft in areas as defined on charts issued for such use by the Board of Selectmen.

SECTION 5 - Skin Diving

Any person skin diving in Hingham Harbor shall:

- (a) Obtain the written approval of the Harbormaster in advance, designating the permitted area;

- (b) Operate from a vessel occupied and under the control of at least one other natural person not less than eighteen (18) years of age;
- (c) Display a diver's flag consisting of a red field and a white diagonal stripe not less than twelve (12) inches square, held upright on a float or other similar device at a height sufficient to be visible to passing vessels; or
- (d) Tow said float and flag with him while he is on surface or submerged in water, unless for commercial purposes permission in writing is granted by the Harbormaster to display floats or flags in some other manner for the protection of divers in Hingham Harbor.

SECTION 6 - Water Skiing

No person shall operate a vessel in Hingham Harbor or in the Hingham Waterways of the Back River or Weir River (which are Areas of Critical Environmental Concern) while towing water skiers, aquaplanes or other similar devices except in areas defined on charts issued by the Board of Selectmen, and in no event shall any such vessel be operated within one hundred fifty (150) feet of any beach or swimming float.

SECTION 7 - Obstruction of Channels

No private marker, mooring or anchorage buoy, lobster pot buoy, or other temporary or permanent marker may be placed in the fairway or channel of Hingham Harbor at any time without the express written permission of the Harbormaster. Any such marker or buoy, so placed in any fairway or channel in Hingham Harbor, shall be construed as a hazard to navigation, and shall be removed by the person causing it to be in place, upon the order of the Harbormaster, or may be removed by the Harbormaster, with no liability to the Harbormaster or the Town of Hingham, or the agents, servants, or employees of either.

SECTION 8 - Unauthorized Boarding or Moving of any Vessel

No person, other than the Harbormaster or a person acting with the Harbormaster's written consent, shall board or move any vessel in mooring or anchorage or molest any tender except in case of emergency or with the express consent of the owner or master of said vessel or as otherwise permitted by law.

SECTION 9 - Conformance with Existing Regulations and Disclaimer

Nothing contained herein shall be construed to conflict with the jurisdiction of the United States Government with respect to the enforcement of navigation, shipping, anchorage, and associated laws of the United States, or any lawful regulation of the Division of Waterways of the Department of Environmental Protection, or the Environmental Police or any of the laws of the Commonwealth of Massachusetts.

The invalidity of any section or provision of this Article shall not invalidate any other section or provision thereof.

SECTION 10 – Violation

Whoever violates any section or provision of this Article or any regulation adopted pursuant to this Article shall be liable for a penalty to be determined by the Board of Selectmen in an amount not to exceed fifty (50) dollars per day for each violation to the full extent permissible by law, and/or as otherwise authorized by law.

SECTION 11 – Effective Date

This Article shall become effective upon approval of the Director of Environmental Police and the expiration of five (5) days after publication in a newspaper of general distribution in the Town of Hingham. The provisions of Sections 1 through 6 of the previously existing Article 15 as in effect prior to the enactment of this Article 15 shall remain in full force and effect until the regulations to be adopted pursuant to Section 3 of this Article 15 become effective.